

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1149 of 2015
IN
Civil Writ Jurisdiction Case No. 12590 of 2004
With
Interlocutory Application No. 4967 of 2017.**

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1. Gobari Paswan, son of late Muneshwar Paswan Resident of village - Pyarepur @ Gariba , P.S. Paroo, District- Muzaffarpur (**Since dead, substituted by the following heirs and legal representatives vide Court's order dated 08.08.2017 passed in IA No. 4967/2017**)

1(a) Raj Kishore Paswan

1(b) Nawal Kishore Paswan, both sons of late Gobari Paswan

1(c) Shatrudhan Paswan, son of late Ram Chandra Paswan and grandson of late Gobari Paswan,

All resident of Village – Gariba, P.S. Paru, District Muzaffarpur.

.... Appellants

Versus

1. The State of Bihar

2. The Collector, Muzaffarpur

3. Ram Naresh Singh, son of Late Krishnadeo Narayan Singh, resident of village Motichhapra, P.S. Paroo, Muzaffarpur.

4. Dashrath Prasad Singh, son of Late Bachkan Prasad Singh, resident of village Gariba P.S. Paroo, Muzaffarpur

.... Respondents

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Appearance:

For the Appellant/s : Mr. Naresh Chandra Verma and
Mr. Natraj Verma, Advocates.

For the Respondent/s : Mr. Lalan Kumar, AC to GP 9.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 08-08-2017

Re. I.A. No. 4967 of 2017.

I.A. No. 4967/2017 is filed for substitution of the sole appellant who died on 06.03.2017. Details of the heirs and legal representatives have been provided in Paragraph 1 of the interlocutory



application.

This interlocutory application is allowed.

The heirs and legal representatives of the sole deceased appellant are allowed to be substituted.

Re. L.P.A. No. 1149/2015.

Heard counsel for the appellants and counsel for the State.

Perused the impugned order dated 22.06.2012. The learned Single Judge has rightly dismissed the Writ Application keeping in mind the adjudication made by the revisional authority, i.e., the Collector on remand by the High Court had a spot enquiry and verification.

Since it has emerged that some of the land, which the appellant is claiming, has not been settled in his favour but remained with the original land holder and the State has taken the land for construction of road, his right cannot be over and above that of the State.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
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